

POTPOURRI

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Public Notice and Public Participation Procedures Regarding Proposed Permit Actions in Hurricane Impacted Areas (0511Pot3)

The dislocation of residents and the damage to infrastructure in the Emergency Areas has affected the ability of the Department of Environmental Quality to solicit and receive comments on proposed permit actions. The following procedures are intended to address these issues in a manner that offers the opportunity for meaningful public participation and that meets the requirements and intent of the state and federal permitting statutes and regulations.

Public notice and comment procedures will vary according to the categorization of the parish in which the facility at issue is located. The Department will categorize parishes after evaluating all relevant factors, including but not limited to:

- newspaper circulation rates (both paid subscriptions and free distribution), comparing pre-hurricane with current rates
- basic services - power, potable water, and sewage treatment
- local government approval for residents to return for long-term habitation
- number of schools that are open
- availability of locations to serve as document repositories and in which to conduct public hearings should they be requested
- condition of roads

Category 1 parishes are those with newspaper circulation rates of at least 90% pre-hurricane levels. Basic services are restored to at least 90% pre-hurricane levels. The parish is open for long-term habitation and public schools have resumed operation. As of this date, the parishes in this category are **Acadia, Allen, Ascension, Assumption, Beauregard, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson Davis, Lafayette, Lafourche, Livingston, Pointe Coupee, St. Charles, St. Helena, St. James, St. John, St. Landry, St. Martin, St. Mary, Tangipahoa, Vermilion, Washington, West Baton Rouge and West Feliciana.**

In Category 1 parishes, the Department will continue to implement the public notice procedures in place before the hurricanes. This includes publication in the required newspapers, sending notice to individuals on the department's permits mailing list, placing notice on the department's web page, and sending electronic notice to individuals who have registered with the department to receive notices in this manner. The DEQ Public Participation Group (PPG) will use its knowledge of newspaper

distribution rates and patterns to determine if the notice should be placed in more than one local newspaper. Some permit procedures require notice to also be placed in the official state journal, *The Advocate*.

Category 2 parishes are those with newspaper circulation rates of at least 50% pre-hurricane levels, and basic services restored to at least 50% of the parish. The parish is open for long-term habitation and public schools have resumed operation. As of this date, the parishes in this category are **St. Tammany, Jefferson, Terrebonne, Calcasieu, and Plaquemines**.

In Category 2 parishes, the Department will follow the same procedures provided herein for Category 1, with the addition of the following: Notices will be placed in *The Advocate* to identify the permits placed on public notice for the previous week, sorted by parish. These notices will clearly identify the electronic web link to view the public notices and will give the phone number to call to request additional information or to find out where documents may be reviewed locally.

Category 3 parishes are the most severely affected parishes. Any parish not meeting all of the criteria for Category 2 are considered Category 3. As of this date, the parishes in this category are **Cameron, Orleans, and St. Bernard**.

In Category 3 parishes, the Department will follow the same procedures provided herein for Category 2, with the addition of the following:

1. Comment periods will be extended a total of 15 extra days.
2. Notices will be published twice in the selected newspaper(s).
3. An additional newspaper will be selected in which to publish the notices. This will be the newspaper with the largest circulation in a parish that physically adjoins the parish in which the facility is located.
4. If not already required to do so, the Department will publish notices in *The Advocate*, the official state journal.

When arranging public hearings to solicit comments regarding permitting activities, the Department will work with stakeholders to find suitable hearing site locations.

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